

120051-1006



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tim Mortenson of Penfield, New York, and
Alexander Shustorovich of Pittsford, New York, and
Christopher William Thrasher of Rochester, New York

For: Document Processing Using Color Marking

Serial No.: 09/826,728

Filing Date: April 5, 2001

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, we hereby declare that:

1. Our residence, mailing address, and citizenship are as stated below next to our names.
2. We believe that we are the original, first, sole inventor (if only one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Document Processing Using Color Marking

the specification of which is attached hereto.

3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.
4. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56 including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.
5. We hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or plant breeder's rights certificate(s), §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed:

NONE

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

NONE

6. We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose information which is material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application:

NONE

7. We hereby appoint:

Matthew E. Burr, Reg. No. 37,591
Daniel J. Chalker, Reg. No. 40,522
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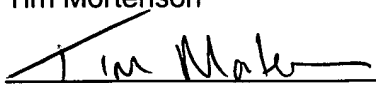
of the firm of GARDERE WYNNE SEWELL LLP, our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent application filed thereon before any international authorities under the Patent Cooperation Treaty;

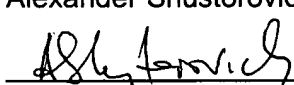
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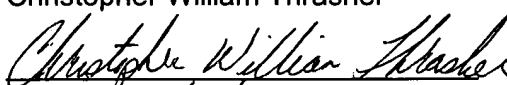
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Attorney Docket No. 120051-1006

8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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